IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.74 OF 2007
IN
REVIEW PETITION NO.5 OF 2006
IN
SECOND APPEAL NO.351 OF 1985

Krishnabai S. Keripale. ..Applicant.

V/s.

Champabai M. Magdum & Ors. ..Respondents.

Mr.S.M.Raikar for applicant.

Mr.Umesh Mankapure for Respondents.

CORAM: A.M.KHANWILKAR,J

DATE : MAY 3, 2007.

P.C. :

1. The argument that certain subsequent developments were not placed on record before this Court when review application was taken out by the opposite party, in my opinion, cannot be the ground for recalling the order dated April 5, 2006 passed in Review Petition No.5 of 2006. In any case, those aspects can be considered in the Second Appeal, which has now been restored to the file to its original number to be decided afresh on its own merits. It will be open to the applicant to pursue those facts and developments in the pending Second Appeal, if so advised.

2. Even the argument canvassed on behalf of the applicant that the name of the present advocate on record was not shown on the board when the review petition was placed for hearing does not commend to me. It is not in dispute that Mr. Rege had entered appearance for the applicant in the main Second appeal. His name appeared on the board. Inspite of that no appearance was made on behalf of the applicant.

3. Accordingly, this application is disposed of with liberty to the applicant on the above terms.